

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
GREENEVILLE

BERTRAND M. TREMBLAY, JR.)

V.)

NO. 2:09-CV-265

MICHAEL J. ASTRUE,
Commissioner of Social Security)

REPORT AND RECOMMENDATION

Plaintiff's counsel has filed a Motion [Doc. 29] for approval of attorney's fees under 42 U.S.C. § 406(b). The Commissioner does not oppose the Motion. Counsel was previously awarded a fee of \$2,400.00 under the Equal Access to Justice Act, which counsel will refund to the plaintiff should this Court award a greater fee under the present Motion. Counsel will file a petition for attorney fees with the Administrative Law Judge in the amount of \$10,000.00 for representing plaintiff before the Social Security Administration. Counsel requests this Court award an attorney fee of \$4,569.75. Counsel is extremely experienced in representing Social Security claimants and the award of this sum will in no respect constitute a windfall. The Court finds the requested amount to be fair and reasonable. It is therefore respectfully RECOMMENDED that counsel's Motion be GRANTED, and that he be allowed a fee of \$4,569.75 under 42 U.S.C. § 406(b).¹

Respectfully Submitted:

s/ Dennis H. Inman
United States Magistrate Judge

¹Any objections to this report and recommendation must be filed within fourteen (14) days of its service or further appeal will be waived. Thomas v. Arn, 474 U.S. 140 (1985); United States v. Walters, 638 F.2d 947-950 (6th Cir. 1981); 28 U.S.C. § 636(b)(1)(B) and (C).